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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,475	08/23/2001	David Beran	DBI-002	9963

7590

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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,475

Applicant(s)

BERAN, DAVID

Examiner

Ramsey Refai

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received on January 24, 2005.
Claim 1 has been amended. Claim 13 is new.
Claims 1-13 are now presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (U.S. Patent No. **5,956,521**).

4. As per claim 1, Wang teaches a system of network devices for electronic business and access to data comprising:

one or more clients (**Figure 3**);

an enclosed network having a central server (**Figure 3 and column 4, lines 20 – 24; main server 20**), at least one national server (**Figure 3 and column 4, lines 24-28; regional servers 22**), and at least one operator server (**Figure 3 and column 4, lines 26 – 29; local servers 24**),

said central server located at the top of said enclosed network (**column 4, lines 19-53; server at top level**), configured to keep a list of data on at least one menu structure, said menu structure having at least one master item and at least one slave item configured in hierarchical manner (**column 5, lines 17-52; main server contains tables for showing, for example, how local servers/regional servers are connected to main server**),

each of said at least one national server coupled to said central server and representing a country or language (**Figure 3, column 4, lines 19-53; regional servers can represent various geographical areas and or languages**), said national server configured to maintain said menu structure (**column 6, line 61-column 7, line 11**) and transfer said menu structure to said at least one operator server (**column 6, lines 45-67, column 8, lines 21-30, column 4, lines 19-53, column 5, lines 9-16; servers at all levels interact with each other to facilitate mail delivery. Also, centralized database, which contain client information such as which local server the client connects to, is shared by one or more computer**);

each of said at least one operator server coupled to one of said at least one national server and representing a region or state within said country or language, said one or more clients coupled to said enclosed network through said at least one operator server (**Figure 3, column 4, lines 19-53, column 6, line 61-column 7, line 11**); and

a user interface coupled to said one or more clients between said one or more clients and said enclosed network such that all internal services provided to the client are provided via said user interface (**column 9, lines 55-61 and column 3, lines 44-49**).

5. As per claim 2, Wang teaches a user interface is a user environment and is created by special means (**column 9, lines 55-61**).

6. As per claim 3, Wang teaches special means that comprise:
software design; hardware design; and organizational means (**column 9, lines 55-61**).
7. As per claims 4-6, Wang teaches a coupling between said one or more clients and said enclosed networks is a mediated connection (**column 4, line 60 – column 5, line 8, column 8, lines 14-21 and column 10, lines 36-42**).
8. As per claims 7-12, Wang teaches a coupling between said one or more clients and said enclosed networks is secure via a software layer having an interface (**column 9, lines 55-61**), a security module, and a client security module (**column 4, line 60 – column 5, line 8, column 8, lines 14-21 and column 10, lines 36-42**).
9. As per claim 13, Wang teaches said menu structure comprises at least one global tree (**column 5, lines 17-52; main server contains tables for showing, for example, how local servers/regional servers are connected to main server**).

Response to Arguments

10. Applicant's arguments have been fully considered but they are not persuasive.
 - In the remarks, the applicant argues in substance that Wang does not teach a central server configured to keep a list of items on at least one menu structure, said menu structure having one master item and at least one slave item configured in hierarchical manner, a national server configured to maintain the menu structure and transfer the menu to said at least one operator server.

- Examiner respectfully disagrees because Wang does teach that a main server maintains a table, which contains information regarding how regional and local servers are connected to the main server. The main server can also access a centralized database, which contains client information such as to which local server the clients connects to. To facilitate mail delivery, all servers at all levels would need to interact and communicate with each other. This information can include the address of clients newly registered at the main server and the local servers they are attached to. This information would need to be shared to all servers at all levels in order to facilitate mail delivery (**see column 4, lines 19-67, Figure 3, column 5, lines 9-52, column 6, lines 46-67, column 8, lines 22-30**).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
June 7, 2005

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100